

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION
BY FINANCE EXECUTIVE COMMITTEE

01- *P* -1001

A RESOLUTION APPROVING THE PAYMENT OF A JUDGMENT ENTERED BY THE UNITED STATES DISTRICT COURT ON JUNE 20, 2001, IN THE MATTERS OF *LEE GENERAL CONTRACTORS, ET AL. V. CITY OF ATLANTA, ET AL.*, U.S.D.C., N. D.GA., CIVIL ACTION FILE NO. 1:99-CV-2194-WBH AND *CONTINENTAL PIPE V. CITY OF ATLANTA, ET AL.*, N.D.GA., CIVIL ACTION FILE NO. 1:00-CV-2791-WBH; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has a long and distinguished history of promoting civil rights, equal opportunity and economic development for all persons and businesses; and

WHEREAS, the City has found, through scholarly and scientific studies commissioned from leading economic, labor and constitutional experts, that businesses owned by women and ethnic minorities have suffered historic and continuing discrimination in the Atlanta marketplace; and

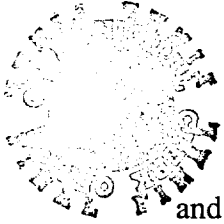
WHEREAS, as a result of such evidence, the City enacted an Equal Business Opportunity (EBO) Program consistent with then-existing constitutional mandates, to mitigate the present and continuing effects of past and present discrimination; and

WHEREAS, in 1999 and 2000, litigation was brought against the City of Atlanta calculated to end affirmative action and equal business opportunity in the City of Atlanta and the State of Georgia, thereby turning back many of the substantial advances in civil rights made in the last century; and

WHEREAS, the vigorous defense of the two "affirmative action" cases: *Lee General Contractors, et al. v. City of Atlanta, et al.*, U.S.D.C., N. D.Ga., Civil Action File No. 1:99-cv-2194-WBH and *Continental Pipe v. City of Atlanta, et al.*, N. D.Ga., Civil Action File No. 1:00-cv-2791-WBH, required the expenditure of countless staff hours by the Law Department and the assistance of the other departments of City government; and

WHEREAS, the forceful defense of these unrelenting legal challenges to the City's EBO Program also required retaining additional legal, technical and economic experts, led by the law firms of Troutman Sanders, LLP, Wilmer, Cutler & Pickering, and Ferguson, Stein, Wallas, Adkins, Gresham & Sumter, P.A. to work in conjunction with the City Attorney; and

WHEREAS, the Litigation Team achieved excellent results in the litigation which withstood the Constitutional attack to minority and female business enterprise programs



and further, developed a 21st Century Equal Business Opportunity Program for the City of Atlanta; and

WHEREAS, the United States District Court entered an Order on June 20, 2001, which awarded money damages and attorneys' fees to the Plaintiffs, but did not rule that the City of Atlanta's Equal Business Opportunity program was unconstitutional.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves to approve payment of a judgment entered by the United States District Court in the matters of *Lee General Contractors, et al. v. City of Atlanta, et al.*, U.S.D.C., N. D.Ga., Civil Action File No. 1:99-cv-2194-WBH and *Continental Pipe v. City of Atlanta, et al.*, N. D.Ga., Civil Action File No. 1:00-cv-2791-WBH, in an amount equal to \$537,509.19, plus accrued interest, payable to the Plaintiffs and their Attorneys, to be paid from Fund, Account and Center Number 1AO1 529017 T31001.

A true copy,

Phonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council

RETURNED WITHOUT SIGNATURE OF THE MAYOR

APPROVED as per City Charter Section 2-403

JUL 02, 2001

JUL 11, 2001

RCS# 2964
7/02/01
2:13 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF ITEMS
ADOPTED/ADVERSED ON
CONSENT AGENDA

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0819

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

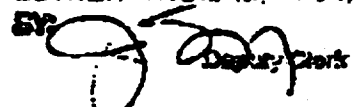
1. 01-O-0869
2. 01-O-0965
3. 01-O-0969
4. 01-O-0977
5. 01-O-0857
6. 01-O-0911
7. 01-O-0968
8. 01-O-0920
9. 00-R-1625
10. 01-R-0929
11. 01-R-0931
12. 01-R-0932
13. 01-R-0989
14. 01-R-0993
15. 01-R-0957
16. 01-R-0926
17. 01-R-0982
18. 01-R-0923
19. 01-R-0956
20. 01-R-0963
21. 01-R-0975
22. 01-R-1001
23. 01-R-0933
24. 01-R-0934
25. 01-R-0935

**ITEMS ADVERSED
ON CONSENT AGENDA**

26. 01-R-0936
 27. 01-R-0937
 28. 01-R-0938
 29. 01-R-0939
 30. 01-R-0940
 31. 01-R-0941
 32. 01-R-0942
 33. 01-R-0943
 34. 01-R-0944
 35. 01-R-0945
 36. 01-R-0946
 37. 01-R-0947
 38. 01-R-0948
 39. 01-R-0949
 40. 01-R-0950
 41. 01-R-0951
 42. 01-R-0952
 43. 01-R-0953
 44. 01-R-0954
 45. 01-R-0955
-

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUN 20 2001

LUTHER THOMAS, Clerk
BY 

LEE GENERAL CONTRACTORS, INC.;
CATHERINE W. LEE; STEVE LEE;
NICHOLS & ASSOCIATES, INC.;
CHARLES NICHOLS; CONTINENTAL
PIPE SERVICES, INC.; RANDY ASKEA;
PEACHTREE MECHANICAL, INC.; and
CHARLES DENNEY,

Plaintiffs,

v.

CIVIL ACTION FILE

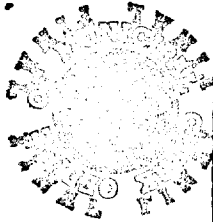
NO. 1:99-CV-2194-WBH

CITY OF ATLANTA, GEORGIA;
WILLIAM CAMPBELL, individually
and in his official capacity; FELICIA
STRONG-WHITAKER, individually and
in her official capacity; MARIO AVERY,
individually and in his official capacity;
HUBERT OWENS, individually and in
his official capacity; SUSAN PEASE
LANGFORD, individually; HUGH
McCALL, individually and in his official
capacity; and SUSAN BRONSTON,
individually and in her official capacity,

Defendants.


JUDGMENT

This action is before the Court for consideration following the entry of the Decision of Arbitrator dated April 12, 2001, and for entry of Judgment pursuant to that Decision. The damages awarded each Plaintiff and the amount of attorney's fees and expenses of litigation awarded Plaintiffs' counsel are set forth in the Summary of Arbitration Award, attached hereto and incorporated by this reference. Accordingly, it is



HEREBY ORDERED that the judgment is entered for the Plaintiffs against the Defendants in the amount of \$537,509.19 as set forth in the attached Summary of Arbitration Award, nunc pro tunc as of April 12, 2001, the date of the Decision of the Arbitrator.

It is so ORDERED this 20 day of June, 2001.



Willis B. Hunt, Jr.
Judge, United States District Court



SUMMARY OF ARBITRATION AWARD

Damages to Lee General Contracting, Inc.	\$14,691.25
Damages to Randy Asken	\$84,251.00
Total Attorney's Fees for Constitutional Claims	\$296,818.00
Total Attorney's Fees for Damages Claims	\$28,599.24
Total Attorney's Fees for Fee Petition	\$930.00
Costs and Expenses	<u>\$112,219.70</u>
TOTAL AWARD	\$537,509.19

01-R-1001

(Do Not Write Above This Line)

A RESOLUTION
BY FINANCE EXECUTIVE
COMMITTEE

A RESOLUTION APPROVING THE
PAYMENT OF A JUDGMENT
ENTERED BY THE UNITED
STATES DISTRICT COURT ON
JUNE 20, 2001, IN THE MATTERS
OF LEE GENERAL CONTRACTORS,
ET AL. V. CITY OF ATLANTA, ET
AL., U.S.D.C. N.G.A., CIVIL ACTION
FILE NO. 1:99-CV-2194-WBH AND
CONTINENTAL PIPE V. CITY OF
ATLANTA, ET AL, N.D.GA., CIVIL
ACTION FILE NO. 1:00-CV-2791-
WBH; AND FOR OTHER
PURPOSES.

ADOPTED BY

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

JUL 02 2001

COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee
FIN Exec

Date
6/27/01

Chair
[Signature]

Action:
Fav, Adv, Hold (see rev. side)
Other:

Members
[Signature]
[Signature]
Clair Muller

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)
Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)
Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)
Other:

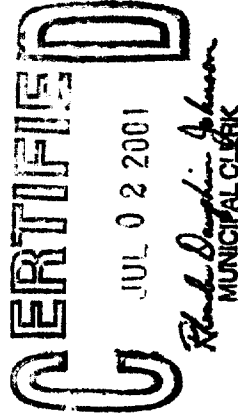
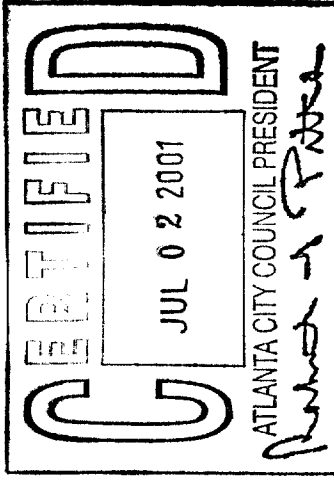
Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☒ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED



MAYOR'S ACTION

APPROVED

JUL 11 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW